

REGULATION UNIT

**DEPARTMENT OF MOTOR VEHICLES**

P.O. BOX 932382

SACRAMENTO, CA 94232-3820

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Sections 350.36, 350.38, 350.40, 350.44 and 350.46, in Chapter 1, Division 1, Article 5, of Title 13 in the California Code of Regulations to allow casual requesters a method of electronic access for requesting his/her information or specific family member information from the department's records and to identify the fee amount for requesting information by electronic means.

**PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

**DEADLINE FOR WRITTEN COMMENTS**

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on *March 30, 2009*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

**AUTHORITY AND REFERENCE**

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651 and 1810 and Civil Code section 1798.26, in order to implement, interpret or make specific Vehicle Code sections 1810 and 1811.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Vehicle Code section 1810 authorizes the department to "permit inspection of, or sell, or both, information from its records ... at a charge sufficient to pay the actual cost to the department for providing the inspection or sale of the information, ... with the charge for the information to be determined by the director." Vehicle Code section 1811, authorizes the department to sell information at "a charge sufficient to pay at least the entire cost to the department...the charge for the records and the conditions under which they may be sold to be determined by the director."

The department has created a method to allow casual requesters to submit a request for his/her own or specific family member's Department of Motor Vehicles record information electronically via the Internet. The proposed amendments will allow electronic access, provide realistic identity/security protection prompts to gain access to the information and set the fee amount for requesting information electronically.

**§350.36 Casual Request for Information.** An amendment to Section 350.36 is proposed to identify the methods available to the public who wish access to information from the department regarding his/her individual or specific family member's public records.

**§350.38 Identification of Casual Requesters.** An amendment to Section 350.38 is proposed to clarify the various identity/security protection prompts required by the department to gain access to the requester's information contained in the department's public records.

**§350.40 Release of Information to Casual Requester.** An amendment to Section 350.40 is proposed to allow the release of information when requested electronically, specify whose information can be released to a requester, inform the public that notification will be sent to the party whose information was released and deletion of unnecessary language that is currently in statute or would not apply to the release of information.

**§350.44 Cost of Information.** An amendment to Section 350.44 is proposed to add the fee for a casual requester when requesting information electronically via the Internet and clarify the cost when the request is made in person or by mail.

**§350.46 Payment for Information.** An amendment to Section 350.46 is proposed to delete the method of payment for the information request.

## **DOCUMENTS INCORPORATED BY REFERENCE**

There are no documents to be incorporated by reference.

## **FISCAL IMPACT STATEMENT**

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The regulation broadens the methods in which the public may request information from the department. The two dollar (\$2) fee is compatible with the commercial requester fee for information requested and released electronically and is less than the cost when requested in person or by mail.
- Effect on Housing Costs: None.

## **DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the state of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the State of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not significantly affect small businesses because a casual requester is allowed to only access his/her own information or the information of specific family members from the department's public records.

## **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot be reviewed during the comment period.

## **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

## **CONTACT PERSON**

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station C-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or [cpatrick@dmv.ca.gov](mailto:cpatrick@dmv.ca.gov). In the absence of the department representative, inquiries may be directed to Randi Calkins, at (916) 657-8898 or e-mail [rcalkins@dmv.ca.gov](mailto:rcalkins@dmv.ca.gov). The fax number for the Regulations Branch is (916) 657-1204.

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

## **AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.